REPUBLIQUE TOGOLAISE
Travail-Liberté-Patrie

LA CONSTITUTION DE LA IVe REPUBLIQUE
Adoptée par Référendum le 27 septembre 1992
Promulguée le 14 octobre 1992

Révisée par la loi n°2002-029 du 31 décembre 2002
PREAMBLE

We Togolese People, placing us under the protection of God,

-Aware that since its accession to international sovereignty April 27, 1960, Togo, our country has been marked by profound changes in the socio-political march towards progress,

-Conscious solidarity that binds us to the international community and particularly the African people,

-Decided to build a rule of law in which fundamental human rights, civil liberties and the dignity of the human person must be guaranteed and protected

-Convinced that such a state can only be based on political pluralism, the principles of democracy and protection of human rights as defined by the UN Charter in 1945, the Universal Declaration of Human Rights of 1948 and the International Covenants of 1966, the African Charter on Human and Peoples' Rights adopted in 1981 by the Organization of African Unity

- solemnly proclaim our commitment to combat any political regime founded on arbitrariness, dictatorship, injustice,
• affirm our commitment to work together in peace, friendship and solidarity with the peoples of the world in love with the democratic ideal, based on the principles of equality, mutual respect for sovereignty,

• are firmly committed to the cause of National Unity, the African Unity and to work towards the realization of the sub-regional and regional integration,

• approve and adopt solemnly this Constitution as Fundamental Law of the State of this preamble is an integral part.

TITLE I-STATE AND SOVEREIGNTY

Article 1: The Togolese Republic is a state of law, secular, democratic and social. It is one and indivisible.

Art. 2: The Togolese Republic guarantees equality before the law for all citizens without distinction of origin, race, sex, social status or religion.

It respects all political, philosophical and all religious beliefs.

Its principle is government of the people by the people and for the people.

His motto is: "Work-Fatherland Freedom"

Art. 3: The national emblem is the flag consists of five horizontal stripes alternating green and yellow colors. It focuses on the upper left corner a white five-pointed star on a red square background.

National Day of the Republic of Togo is celebrated on April 27 each year.

The state seal is formed by a metal plate in low relief round 50 mm diameter for printing the mark of the State in the form acts.

It focuses on the obverse to type, the arms of the Republic, for legend, "On behalf of the Togolese People."

The arms of the Republic of Togo are well established:

Ecu-silver oval and the edge of Vert chief national emblem, two backed currency on banner and flags, in the heart of the original sand of the Togolese Republic of gold scalloped background, peak, two lions mouths backed.

-The two young lions represent the courage of the people of Togo. They hold the bow and arrow, a traditional means of combat, to show that the true freedom of the Togolese people is in his hands and his strength lies primarily in its own traditions. Lions backed up and express the vigilance of the Togolese people in the custody of his independence from sunrise to sunset.

The national anthem is " Land of our forefathers . "
The official language of Togo is French.

**Art. 4**: The sovereignty belongs to the people. He exercised through their representatives and by a referendum. No section of the people, no government body or individual can not assume the exercise.

The initiative referendum belongs concurrently to the people and the President of the Republic.

A popular initiative referendum may be held on the request of at least five hundred thousand (500,000) voters representing more than half of the prefectures. More than fifty thousand (50,000) of them should not be registered on the electoral lists in the same prefecture. The request must be on the same text. His consistency will be assessed by the Constitutional Court.

**Art. 5**: Suffrage is universal, equal and secret. It can be direct or indirect. The electors as provided by law, all Togolese nationals of both sexes, aged eighteen (18) years of age and enjoy their civil and political rights.

**Art. 6**: Political parties and groupings of political parties contribute to the formation and expression of the political will of the people.

They are formed freely and carry out their activities in compliance with laws and regulations.

**Art. 7**: Political parties and groupings of political parties must respect the Constitution.

They can not identify a region, ethnicity or religion.

**Art. 8**: Political parties and groupings of political parties have a duty to contribute to the political and civic education of citizens, strengthening democracy and building national unity.

**Art. 9**: The law determines the modalities for the establishment and functioning of political parties.

**TITLE II-RIGHTS, FREEDOMS AND DUTIES OF CITIZENS**

**SUB-PART I: RIGHTS AND FREEDOMS**

**Art. 10**: Every human being carries inalienable and imprescriptible rights. The protection of such rights is the goal of every human community. The State has the obligation to respect, ensure and protect.

Legal persons may enjoy the rights guaranteed by this Constitution to the extent that these rights are compatible with their nature.

**Art. 11**: All human beings are equal in dignity and rights.
The man and woman are equal before the law.

No one may be disadvantaged or favored because of his family, ethnic or regional origin, economic or social status, political beliefs, religious, philosophical or other.

Art. 12: Everyone has the right to development, the physical, intellectual, moral and cultural development of the person.

Art. 13: The State has the obligation to ensure the physical and mental integrity, life and safety of everyone living in the country.

No one shall be arbitrarily deprived of his or her life or freedom.

Art. 14: The rights and freedoms guaranteed by this Constitution shall be subject to restrictions expressly provided by law and are necessary to protect national security, public order, public health, morals or the fundamental rights and freedoms of others.

Art. 15: No one may be arbitrarily arrested or detained. Anyone arrested or detained without legal beyond the period of custody is based on his request or that of any interested person, enter designated for that purpose by the judicial authority law.

A court may decide without delay on the legality or lawfulness of his detention.

Art. 16: An accused or detainee must receive treatment that preserves their dignity, physical and mental health and helps reintegration.

Nobody has the right to prevent a defendant or detainee to be examined by a doctor of his choice.

Every accused person has the right to be assisted by counsel during the preliminary investigation.

Art. 17: Any person who is arrested has the right to be immediately informed of the charges against her.

Art. 18: Any accused person is presumed innocent until his guilt has been established following a trial which offers the guarantees necessary for his defense.

The judiciary as the guardian of individual liberty, ensures compliance with this principle as provided by law.

Art. 19: Everyone has the right in any matter that his case be heard and determined in a fairly reasonable time by an independent and impartial court.

No person may be convicted of offenses that do not constitute an offense at the time they were committed.
Apart from the cases provided by law, no one may be molested or convicted for charges against others.

Damage resulting from a miscarriage of justice or those resulting from abnormal functioning of the administration of justice give rise to compensation paid by the State in accordance with the law.

*Art. 20*: No one shall be subjected to measures of control and security except in cases provided by law.

*Art. 21*: The human person is sacred and inviolable.

No one shall be subjected to torture or other forms of cruel, inhuman or degrading treatment.

No one can escape the punishment of such violations by invoking the order of a superior officer or a public authority.

Any individual officer guilty of such acts, either on its own initiative or on instructions state, shall be punished according to law.

Any individual or agent of the state is relieved of the duty of obedience when the order is a serious and manifest respect for human rights and civil liberties.

*Art. 22*: Every citizen of Togo has the right to move freely and settle in the country at any point of his choice under the conditions defined by law or local custom.

No Togolese can not be denied the right to enter or leave Togo.

Any alien lawfully in the territory of Togo and complies with the laws in force on the freedom of movement there, and to choose their residence and the right to freely leave.

*Art. 23*: An alien may not be deported or extradited from Togolese territory by virtue of a decision in accordance with the law. It must have the opportunity to make his defense before the competent judicial authority.

*Art. 24*: No Togolese can not be extradited from the country.

*Art. 25*: Everyone has the right to freedom of thought, conscience, religion, opinion and expression. The exercise of these rights and freedoms is in compliance with the freedoms of others, public order and standards established by law and regulations.

The organization and practice of religious beliefs are practiced freely in accordance with the law. It is the same philosophical orders.

The worship and expression of beliefs are in accordance with the secular state.
Faiths have the right to organize and operate freely in accordance with the law.

Art. 26: Freedom of the press is recognized and guaranteed by the state. It is protected by law.

Everyone has the freedom to express and disseminate speech, writing or any other means, opinions or information it holds, in accordance with the limits set by law.

The press can not be subject to prior authorization, to bond, censorship or other barriers. The blackout of any publication may be imposed only by a court decision.

Art. 27: The right to property is guaranteed by law. There can not be interfered with except in the public interest and legally established after a fair and prior compensation.

No one shall be seized his property by virtue of a decision taken by a judicial authority.

Art. 28: The home is inviolable.

It can not be subject to search or police visit in the form and conditions prescribed by law.

Every citizen has the right to respect for his private life, honor, dignity and image.

Art. 29: The State guarantees the secrecy of correspondence and telecommunications.

Every citizen has the right to secrecy of correspondence and communications and telecommunications.

Art. 30: The State recognizes and guarantees as provided by law, the exercise of the freedoms of association, assembly and peaceful demonstration without instruments of violence.

The State recognizes the religious and secular private schools.

Art. 31: The State has the obligation to ensure the protection of marriage and the family.

Parents have the duty to provide for the maintenance and education of their children. They are supported in this task by the State.

Children, whether born in or out of wedlock are entitled to the same family and social protection.

Art. 32: The Togolese nationality is assigned by law to the children of a parent Togo.

Other cases of attribution of nationality shall be regulated by law.

Art. 33: The State shall take or cause to be in favor of people with disabilities and the elderly measures likely to shelter social injustices.

Art. 34: The State recognizes the right of citizens to health. It works to promote it.
**Art. 35**: The State recognizes the right to education of children and creates favorable conditions for this purpose.

School is compulsory for children of both sexes up to the age of fifteen (15) years.

Gradually State provides free public education.

**Art. 36**: The State shall protect youth against any form of exploitation or manipulation.

**Art. 37**: The State recognizes every citizen the right to work and strives to create the conditions for the effective exercise of this right. It provides every citizen equal opportunity in employment and guarantees each worker a fair and equitable compensation.

No one can be denied work because of their gender, origins, beliefs or opinions. **Art. 38**: He is known to citizens and local authorities the right to equitable redistribution of national wealth by the state.

**Art. 39**: The right to strike is recognized workers. It is exercised within the framework of the laws that regulate them.

Workers can form unions or join unions of their choice.

Any worker may defend as provided by law, rights and interests, either individually or collectively, or by union action.

**Art. 40**: The State has the duty to safeguard and promote the national cultural heritage.

**Art. 41**: Everyone has the right to a healthy environment. The State shall ensure the protection of the environment.

**SUB-TITLE II-DUTIES**

**Art. 42**: Every citizen has the sacred duty to uphold the constitution and the laws and regulations of the Republic.
Art. 43: The defense of the homeland and national territorial integrity is a sacred duty of every citizen.

Art. 44: Every citizen has the duty to undertake national service under the conditions defined by law.

Art. 45: Every citizen has the duty to fight any person or group of people who try to change by force the democratic order established by this Constitution.

Art. 46: Public goods are inviolable. Any person or public official must respect and scrupulously protect them. Any act of sabotage, vandalism, theft of public property, bribery, embezzlement is punishable as provided by law.

Art. 47: Every citizen has the duty to contribute to public office in the manner prescribed by law. It works to promote tolerance and dialogue in dealing with others. It has an obligation to protect the national interest, social order, peace and national cohesion.

Art. 48: Every citizen has the duty to ensure respect for the rights and freedoms of other citizens and to safeguard the security and public order. Any act or event racist, regionalist, xenophobia are punishable by law.

Art. 49: Security forces and police, under the authority of the Government, responsible for protecting the free exercise of rights and freedoms and to ensure the security of citizens and their property.

Art. 50: The rights and duties enshrined in the Universal Declaration of Human Rights and international instruments on human rights, ratified by Togo, are an integral part of this Constitution.

TITLE III - THE LEGISLATURE

Art. 51: The legislative power delegated by the people is exercised by a Parliament composed of two chambers: the National Assembly and the Senate.

Members of the National Assembly shall be a member of the Senate and those bearing the title of senator.

Art. 52: The members are elected by direct and secret universal suffrage in a FPTP (01) round five (05) years. They may be reappointed. Each deputy is the representative of the whole nation. Any imperative mandate is null.
The elections take place within thirty days before the expiration of the mandate of the deputies. The National Assembly meets regularly on the second Tuesday following the date of official results.

Any member of the armed forces and public security, who want to be candidates for deputy, shall, prior to his resignation of the military or public safety.

In this case, the applicant may claim entitlement acquired in accordance with the statutes of the human body.

An organic law determines the number of members, their benefits, eligibility, the system of incompatibilities, and the conditions under which it is provided for vacant seats.

An organic law determines the status of former MPs.

The Senate is composed of two-thirds (2/3) persons elected by the representatives of local authorities and third (1/3) persons appointed by the President of the Republic.

The term of office of senators is five (05) years.

An organic law determines the number of members, their benefits eligibility or designation, the system of incompatibilities and the conditions under which it is provided for vacant seats.

An organic law determines the status of former senators.

Members of the National Assembly and the outgoing Senate by end of mandate or dissolution, remain in office until the inauguration of effective their successors.

Art. 53: MPs and senators enjoy parliamentary immunity.

No MP, no Senator shall be prosecuted, investigated arrested, detained or tried in respect of opinions expressed or votes cast in the exercise of his duties, even after the expiry of his term.

Except in cases of flagrante delicto, MPs and senators can not be arrested or prosecuted for crimes after the exercise by their respective Assemblies of their parliamentary immunity.

Any flagrante delicto procedure initiated against a member or against a senator is promptly brought to the attention of the office of their meetings.

Deputy or Senator may not in session, be arrested without the authorization of the Bureau of the Assembly to which he belongs.

Detention or prosecution of a deputy or a senator is suspended if the Assembly to which he belongs required.
Art. 54: The National Assembly and the Senate are each headed by a President assisted by a bureau. Chairs and desks are elected for the term of the legislature as provided by the rules of each House.

In case of vacancy of the presidency of the National Assembly or the Senate, by death, resignation or any other cause, the National Assembly or the Senate shall elect a new President within fifteen (15) days after the vacancy occurs, if it is in session, otherwise, he/she meets right in the conditions laid down by its Rules of Procedure.

It comes with the replacement of other officers, in accordance with the rules of each House.

An organic law determines the status of former presidents of the National Assembly and the Senate, in particular as regards remuneration and safety.

Art. 55: The National Assembly meets right in two (02) regular meetings per year:

- The first session begins on the first Tuesday of April.
- The second session begins on the first Tuesday of October.

The Senate meets right in two (02) regular meetings per year:

- The first session begins on the first Thursday of April.
- The second session begins the first Thursday in October.

Each session lasts three (03) months.

The National Assembly and the Senate convened in special session by their respective presidents on a specific agenda at the request of the President of the Republic or the absolute majority of deputies or senators. Deputies or senators immediately separate agenda exhausted.

Art. 56: The right to vote for deputies and senators is personal.

The Rules of Procedure of the National Assembly or the Senate may exceptionally authorize the delegation to vote. In this case, no one can act on behalf of more than one term.

Art. 57: The operation of the National Assembly or the Senate is determined by rules adopted pursuant to the Constitution.

TITLE IV-THE EXECUTIVE

SUB-TITLE I: THE PRESIDENT OF THE REPUBLIC
Art. 58: The President of the Republic is the Head of State. He is the guarantor of the independence and national unity, territorial integrity, respect for the Constitution and international treaties and agreements.

He is the guarantor of the continuity of the state and the institutions of the Republic.

Art. 59: The President of the Republic is elected by direct universal suffrage and secret ballot for a term of five (05) years.

be reelected.

President of the Republic shall hold office until the inauguration of effective of his elected successor.

Art. 60: Election of the President of the Republic takes place in single-member constituencies in a majority (01) tour.

President of the Republic is elected by a majority of votes cast.

Art. 61: Voting is open to the call of the electorate by decree of the Council of Ministers sixty (60) days and seventy-five (75) days before the expiry of the mandate of the president.

Art. 62: No person shall be a candidate for President of the Republic if:

. is not exclusively Togolese nationality by birth

. is thirty five (35) years of age at the date of filing of the application .

. does not enjoy full civil and political rights.

-This is a general state of physical and mental duly noted by three (03) sworn doctors appointed by the Constitutional Court wellbeing.

-Does not reside in the country for twelve (12) months.

Art. 63: The office of President of the Republic is incompatible with the exercise of parliamentary office, any office of professional representation at national level, and any public or private employment, civil or military, or any professional activity.

The President of the Republic shall assume office within fifteen (15) days of the announcement of the results of the presidential election day.
Art. 64 : Before taking office, the President of the Republic shall take an oath before the Constitutional Court in solemn audience in these terms:

"Before God and before the Togolese people, sole owner of popular sovereignty,

We ... Elected President of the Republic in accordance with the laws of the Republic, do solemnly swear:

- to respect and defend the Constitution of the Togolese People is freely given;

- diligently fulfill the high office that the nation has entrusted to us;

- not to be guided by the general interest and the respect of human

  the human person, to devote all our efforts to promote

  development of the common good, peace and national unity;

- to preserve the integrity of the national territory;

- driving us all, faithful and loyal servant of the people."

Art. 65 : In case of vacancy of the Presidency of the Republic of death, resignation or permanent incapacity, the presidential office is temporarily exercised by the President of the National Assembly.

The vacancy is found by the Constitutional Court, by the government.

The government calls the electorate within sixty (60) days of the opening of the vacancy for the election of a new president.

Art. 66 : The President of the Republic appoints the Prime Minister. It terminates its functions.

On the proposal of the Prime Minister, he appoints the other members of the Government and terminate their appointments.

The President of the Republic presides over the Council of Ministers.

Art. 67 : The President of the Republic promulgates laws within fifteen (15) days of receipt by the Government of the law finally passed by the National Assembly during which time, he may request a reconsideration of the law or some its articles, the request must be substantiated. The new decision can not be denied.

Art. 68 : The President of the Republic, after consultation with the Prime Minister and the President of the National Assembly, may dissolve the National Assembly.
This solution can only occur in the first year of the legislature.

A new Assembly must be elected within sixty days after the dissolution.

The National Assembly meets regularly on the second Tuesday after the election, if the meeting is held outside the periods for regular sessions, one session is opened by law for a period of fifteen (15) days.

It may not be a new solution in the year following the election.

**Art. 69**: The President of the Republic shall sign the ordinances and decrees deliberated upon in the Council of Ministers.

**Art. 70**: The President of the Republic after deliberation by the Council of Ministers appointed by the Grand Chancellor of National Orders, ambassadors and envoys extraordinary, the prefects, the Commanding Officers of the Army, Navy and Air and the Directors of government plants.

The President of the Republic, by decree of the Council of Ministers appoints the presidents of universities and professors on a list of skills recognized by university boards.

The President of the Republic, by decree of the Council of Ministers, appoint General Officers.

It is provided to other jobs by decree of the President of the Republic may delegate the power to appoint the Prime Minister.

**Art. 71**: The President of the Republic shall accredit ambassadors and envoys extraordinary to foreign powers; ambassadors and envoys extraordinary to foreign accredited to him.

**Art. 72**: The President of the Republic is the head of the Army. He chairs the Defence Counsel. He declares war on the authorization of the National Assembly. He decreed general mobilization after consulting the Prime Minister.

**Art. 73**: The President of the Republic exercises the right of pardon on the advice of the Superior Council of Magistracy.

**Art. 74**: The President of the Republic can send messages to the nation. This address once a year to Parliament on the state of the nation.

**Art. 75**: An organic law determines the status of former presidents, particularly regarding their pay and security.

**SUB-PART II: GOVERNMENT**
Art. 76: The Government comprises the Prime Minister, ministers and, where appropriate, ministers of state, deputy ministers and state secretaries.

As a member of the Government shall be incompatible with the exercise of any parliamentary office, any office of professional representation at national and any private or public, civil or military, or any other occupation employment.

An organic law determines the status of former members of the government, especially with regard to their pay and security.

Art. 77: Under the authority of the President of the Republic, the Government shall determine and conduct the policy of the nation and leads the civil and military administration. It has the administration, the armed forces and security forces.

The Government is accountable to the National Assembly.

Art. 78: The Prime Minister is the Head of Government. He directs the Government and coordinates the functions of other members. He chairs the defense committees. It compensates, if any, the President of the Republic as chairman advice provided for in Articles 66 and 72 of this Constitution. It ensures the interim head of state in his absence, due to illness or absence from the national territory.

Before taking office, the Prime Minister appeared before the National Assembly the agenda of the Government.

The National Assembly has confidence vote by an absolute majority of its members'.

Art. 79: The Prime Minister enforces the laws.

He may delegate some of its powers to ministers.

Art. 80: Acts of the President of the Republic, other than those referred to in Articles 4, 66, 68, 73, 74, 98, 100, 104, 139 of this Constitution, shall be countersigned by the Prime Minister or, where applicable, by Ministers responsible for their implementation.

TITLE V RELATIONS BETWEEN THE GOVERNMENT AND PARLIAMENT

Art. 81: The National Assembly vote last spring law.

It controls the action of the Government.

The Senate receives for deliberation projects and bills.
The Senate must give its opinion before the vote by the National Assembly of any project or proposal of constitutional law, all texts relating to the territorial organization of the Republic and the draft budget law. In all cases, the opinion of the Senate is deemed given if it is not delivered within fifteen (15) days of referral or eight (08) days in case of an emergency procedure.

Art. 82: The National Assembly has control over its agenda. It shall inform the Government.

The inscription, in priority to the agenda of the National Assembly, a project or a bill or a statement of general policy is right if the government so requests.

Art. 83: Legislative initiative belongs jointly to the members and the Government.

Art. 84: The law establishes the rules:

- Citizenship, civil rights and the exercise of civil liberties;
- The establishment of the list of statutory holidays, public and paid system;
- The constraints related to the requirements of National Defence;
- Nationality, status and capacity of persons, matrimonial regimes, inheritance and gifts;
- The process by which the customs will be found and brought into line with the basic principles of the Constitution;
- Determination of crimes and offenses and the penalties applicable to them, the criminal proceedings, amnesty;
- The organization of courts and tribunals and procedure these courts, the status of judges, judicial officers and officers of the court;
- Determining financial skills constitutional and administrative authorities;
- The base, rates and methods of collection of provisions of all kinds;
- The system of issuing currency;
- The electoral system of the National Assembly and local assemblies;
- Compensation of public functions
- The nationalization of enterprises and the transfer of ownership of companies
public or private sector;

- The creation of categories of public institutions;

- Health and population;

- The state of siege and state of emergency;

  - The protection and promotion of the environment and conservation of natural resources;

- The creation, extension and downgrades of national parks, wildlife reserves and forest reserves;

- The development, implementation and monitoring of national plans and programs for development;

- The protection of press freedom and access to information;

- The status of the opposition;

- The general organization of the administration,

- The general status of the public service;

- The organization of national defense;

Honors them;

- The education and scientific research;

- The integration of national cultural values;
- The system of ownership, property and civil rights and obligations

- Labor law, trade union rights and social institutions, the disposal and management of the domain of the State;

- The prison system;

- Mutuality and savings;

- The economic system;

- The organization of production;

- The system of transport and communications;

- Free administration of local authorities, their skills and resources.

The provisions of this article may be supplemented by an organic law.

Art. 85: Materials other than those in the field of law for regulation.

Art. 86: The Government may, for the implementation of its programs, ask the National Assembly for permission to take orders for a limited time, measures that are normally the domain of the law.

These orders are issued in the Council of Ministers after the Constitutional Court. They shall come into force upon publication, but shall lapse if the ratification bill is not tabled in the National Assembly before the date set by the enabling legislation.

At the end of the period defined in the enabling legislation, these orders can not be changed by law in respect of their provisions falling within the legislative domain.

Art. 87: Proposals and bills are deposited in the office of the National Assembly who sent for review to specialized committees whose composition and functions are set by the Rules of Procedure of the National Assembly.

Art. 88: The proposed laws are at least eight (08) days prior to deliberation and vote, notified the Government for information.

Art. 89: Bills are discussed in the Council of Ministers.

Art. 90: MPs and the Government shall have the right of amendment.
Proposals and amendments made by the House are not admissible where their adoption would result, a decrease of public resources or the creation or increase of a public office, unless such proposals or amendments are bound proposals offsetting revenues.

Art. 91: The National Assembly Bills Finance under the conditions prescribed by an organic law.

The provisions of the bill may be brought into force by ordinance if the Assembly does not decide within forty-five (45) days after the filing of the project and the financial year to expire. In this case, the Government requested the convening of a special session for ratification.

If the draft budget law could not be filed in time to be passed and promulgated before the beginning of the year, the Prime Minister request emergency, the Assembly, permission to resume budget the previous year provisional twelfths.

Art. 92: Proposals and draft organic laws are subject to the deliberation and vote of the National Assembly at the end of a period of fifteen (15) days after filing.

Organic laws shall be promulgated only after the declaration by the Constitutional Court of their conformity with the Constitution.

Art. 93: The declaration of war is authorized by the National Assembly.

Art. 94: The state of siege as the state of emergency is declared by the President of the Republic Council of Ministers.

The National Assembly then meets right, if it is not in session.

The extension beyond fifteen (15) days of siege or of emergency can only be authorized by the National Assembly.

The National Assembly may not be dissolved during the duration of the state of siege or state of emergency.

An organic law determines the conditions for implementation of the state of siege and state of emergency.

Art. 95: The sessions of the National Assembly and the Senate are public. A verbatim record of the proceedings is published in the Official Journal.

The National Assembly may sit in camera at the request of the Prime Minister or at the request of one-fifth (1/5) members.

Art. 96: Members of the Government have access to the National Assembly, the Senate and their committees.
They can be heard at their request.

They also agreed to questioning by the National Assembly, on written or oral questions addressed to them.

*Art. 97*: The Prime Minister, after deliberation by the Council of Ministers, may be brought before the National Assembly the responsibility of the Government's program or a policy statement.

The National Assembly, after debate, casts a vote. Trust can not be denied to the Government by a majority of two thirds (2/3) of members of the National Assembly.

When trust is denied, the Prime Minister must submit to the President of the Republic the resignation of the Government.

*Art. 98*: The National Assembly may put the government in a vote on a motion of censure.

Such a motion, to be admissible, must be signed by one third (1/3) at least one of the deputies in the National Assembly. The vote shall be five (5) days after the filing of the motion.

The National Assembly can not pronounce the censure of the Government by a majority of two thirds (2/3) of its members.

If the motion of censure is adopted, the Prime Minister calls for the resignation of his government.

The President of the Republic shall appoint a new Prime Minister.

If the motion of censure is rejected, its signatories may not propose a new during the same session.

**TITLE VI-THE CONSTITUTIONAL COURT**

*Art. 99*: The Constitutional Court is the highest court of the State in constitutional matters. It judges the constitutionality of the law and guarantees the fundamental rights of the individual and public freedoms. It is responsible for regulating the functioning of institutions and government activity.

*Art. 100*: The Constitutional Court is composed of nine (09) members appointed for seven (07) years renewable:

- Three (03) are appointed by the President of the Republic which (01) because of its legal expertise;
- Three (03) are elected by the National Assembly by a majority of two thirds (2/3) of its members. They must be chosen outside of Deputies. One of them should be appointed because of his legal expertise;

- Three (03) are elected by the Senate by a majority of two thirds (2/3) of its members. They must be chosen from outside the Senate. One of them should be appointed because of his legal expertise.

**Art. 101**: The President of the Constitutional Court is appointed by the President of the Republic from among the members of the Court for a period of seven (07) years. It has a casting vote in case of a tie.

**Art. 102**: Members of the Constitutional Court, during their term of office, may not be prosecuted or arrested without the consent of the Constitutional Court except in cases of flagrante delicto. In such cases, the President of the Constitutional Court must be entered immediately and no later than forty-eight (48) hours.

**Art. 103**: The functions of members of the Constitutional Court is incompatible with the exercise of any elective office, any public employment, civil or military, of any professional as well as any activity based on national representation.

An organic law shall determine the organization and functioning of the Constitutional Court, the proceedings before it, including the deadlines for the proceedings, as well as the disciplinary regime and immunities of the members.

**Art. 104**: The Constitutional Court is the court responsible for ensuring compliance with the provisions of the Constitution.

The Constitutional Court considers the legality of referenda, presidential, legislative and senatorial elections. It decides on the litigation of these consultations and elections.

It judges the constitutionality of laws.

Laws can, before their promulgation, be referred to it by the President of the Republic, the Prime Minister, the Speaker of the National Assembly or one fifth (1/5) members of the National Assembly.

For the same purpose, the organic laws before their promulgation, the bylaws of the National Assembly and the Senate, those of the High Authority for Audio-visual and Communication and the Economic and Social Council prior to their application must be submitted.

During a court, an individual or corporation may, "in limine" before the courts, raise the unconstitutionality of a law. In this case, the court shall stay the proceedings and applied to the Constitutional Court.
The Constitutional Court shall rule within one month. This period may be reduced to eight (08) days in case of emergency.

A text declared unconstitutional can not be enacted. If it has been implemented, it should be removed from the legal system.

Art. 105: The Constitutional Court advises on orders made under sections 69 and 86 of this Constitution.

Art. 106: The decisions of the Constitutional Court are not subject to appeal. They are binding on all public authorities and civil authorities, military and judicial.

PART VII OF THE COURT OF AUDITORS

Art. 107: The Court of Auditors considers the accounts of public accountants.

It ensures the audit and the management of public institutions and public enterprises.

It assists the parliament and the government in control of the enforcement budget.

It conducts all studies finance and public accounting that are requested by the Government, the National Assembly or the Senate.

The Court of Auditors shall prepare an annual report to the President of the Republic, the Government and the National Assembly, in which it refers, as appropriate, the offenses committed, and liabilities incurred.

Art. 108: The Court of Auditors is composed of:

-First President of the Presidents of Chambers-of masters-of-referendum advisors and auditors.

The public prosecutor at the Court of Accounts is held by the Attorney General and Advocates-General.

The number of jobs in these grades is fixed by law.

The first President, the Attorney General, Advocate-General, the Presidents of the Chambers and the Masters are appointed by decree of the President of the Republic issued by the Council of Ministers.

Referendum and hearing officers are appointed by the President of the Republic on the proposal of the Prime Minister after consultation with the Minister of Finance and a favorable opinion of the National Assembly.
Only senior lawyers, inspectors of finance, treasury and tax, economists, managers and accountants with experience of fifteen (15) years at least, may be elected or appointed to the Court of Auditors.

Art. 109: The President of the Court of Auditors is elected by his peers for a period of three (03) years renewable.

Art. 110: Members of the Court of Auditors have a magistrate. They are irremovable during their term.

Art. 111: The office of member of the Court of Auditors are incompatible with membership of government, the exercise of any elective office, any public employment, civil or military, other professional activities and any representative function National.

An organic law shall determine the organization and functioning of the Court of Auditors.

TITLE VIII - THE JUDICIARY
SUB-TITLE I: GENERAL PROVISIONS

Art. 112: Justice is rendered in the territory of the Republic on behalf of Togolese people.

Art. 113: The judiciary is independent of the legislature and the executive.

Judges are bound in the exercise of their functions to the authority of the law.

Judicial power is the guarantor of individual freedoms and rights of human citizens.

Art. 114: The judges are irremovable.

Art. 115: The President of the Republic is the guarantor of the independence of the judiciary.

It is assisted in this by the Higher Judicial Council.

Art. 116: The Superior Council of the Judiciary is composed of nine (09) members:
Three (03) members of the Supreme Court;

Four (04) judges of courts of appeal and courts;

-One (01) member elected by the National Assembly ballot;

-A (01) personality is not owned by the National Assembly or the Government or the judiciary, chosen by the President of the Republic because of its jurisdiction.

It is chaired by the President of the Supreme Court.

Judges council members, except the President of the Supreme Court, ex officio, are elected by their peers by secret ballot.

The members of the Supreme Judicial Council are appointed for a term of four (04) years, renewable only once.

**Art.117**: The Superior Council of the Magistracy statue as a disciplinary board of judges.

The penalties and the procedure shall be determined by the organic law on the status of the judiciary.

The organization and functioning of the Superior Council of Magistracy shall be established by an organic law.

**Article 118**: The recruitment of any judge is the proposal of the Minister of Justice, Minister of Justice, after the Supreme Council of the Magistracy.

The appointment of judges is made by decree of the Council of Ministers on the proposal of the Superior Council of Magistracy.

The appointment of prosecutors is made by decree of the Council of Ministers on the proposal of the Minister of Justice, Minister of Justice, after the Supreme Council of the Magistracy.

The active magistrates can perform other public office or engage in gainful private activity outside the cases provided by law, or engage in public political activity.

An organic law determines the status of judges and their remuneration in accordance with the requirements of independence and efficiency.

**Art.119**: The principles of jurisdictional unity and separation disputes, are the foundation of the organization and operation of the administrative and judicial courts.
The law organizes the military court in accordance with the principles of the Constitution.

The special courts are prohibited.

**SUB-TITLE II OF THE SUPREME COURT**

*Article 120*: The Supreme Court is the highest court of the State in legal and administrative matters.

*Art.121*: The President of the Supreme Court is necessarily a professional judge. He is appointed by decree of the President of the Republic in the Council of Ministers on the proposal of the Superior Council of Magistracy.

Before taking office, he took the oath of office before the National Assembly as follows:

"I swear to well and faithfully discharge my duties, to exercise impartially, in accordance with the Constitution, to keep secret the deliberations and votes, to take no public position and any consultation as private on matters within the jurisdiction of the Court, and lead me as a dignified and fair judge."

*Art. 122*: Judges of the Supreme Court can not be prosecuted for crimes committed in the exercise or during or outside of their functions before the High Court of Justice.

Except in cases of flagrante delicto, any judge of the Supreme Court can not be prosecuted or tried without the prior approval of the Superior Council of Magistracy.

An organic law determines the conditions for the organization and functioning of the Supreme Court.

*Art.123*: The Supreme Court is composed of two chambers:

- Court-room,
- administrative-room.

Each room is a separate jurisdiction in the Supreme Court consists of a President of the Chamber and advisers.

The President of the Supreme Court presides over the joint chambers.

The Crown almost every room is provided by the General Prosecutor of the Supreme Court composed of the Attorney General and Advocates-General.

*Art.124*: Judicial Chamber of the Supreme Court shall have jurisdiction:

- The appeals lodged against the decisions of last resort for civil, commercial, social and criminal courts;
Of part-taken against the judges of the Court of Appeal under the provisions of Code of Civil Procedure, criminal proceedings against the judges of the Court of Appeal under conditions determined by the Code of Criminal Procedure, requests review and regulations judge.

S.125: Administrative Chamber of the Supreme Court shall have jurisdiction:

- Appeals against decisions in administrative cases;
- Remedies for abuse of power against acts administrative, litigation, local elections-of cassation against the decisions of bodies acting in disciplinary matters.

**SUBTITLE II - THE HIGH COURT OF JUSTICE**

S.126: The High Court of Justice is composed of the President and the Presidents of the Chambers of the Supreme Court and four (04) members elected by the National Assembly.

The High Court elects its President.

An organic law shall determine the rules of its operation and the proceedings before it.

Art.127: The High Court is the only court with jurisdiction to try offenses committed by the President of the Republic.

The political responsibility of the President of the Republic is engaged in case of high treason.

The High Court of Justice has jurisdiction to try members of the government and their accomplices for conspiracy against the state security.

Article 128: The High Court of Justice knows the crimes committed by members of the Supreme Court.

S.129: The High Court of Justice is bound by the definition of crimes and the sentencing as resulting from criminal laws at the time the acts were committed.

The decision to prosecute and the impeachment of the President of the Republic and members of the government is passed by a majority of four-fifths (4/5) of the members of each of the component assemblies Parliament under the procedure provided by organic law.

If convicted, they are deprived of their charges.
TITTRE IX - THE HIGH AUTHORITY OF AUDIO-VISUAL AND COMMUNICATION

S.130: The High Authority for Audio-visual and Communication aims to guarantee and ensure the freedom and protection of the press and other media of mass communication.

It ensures compliance with ethics in information, communication and equal access of political parties and associations to official means of information and communication.

The High Authority for Audio-visual and Communication is responsible for giving permission for installation of new television channels and private radio stations.

Art.131: The High Authority for Audio-visual Communication and elects its President and its officers.

The composition, organization and functioning of the High Authority of Audio-visual and Communication are determined by an organic law.

TITLE X - THE ECONOMIC AND SOCIAL COUNCIL

S.132: The Economic and Social Council shall give its opinion on all matters brought to its consideration by the President of the Republic, the Government, the National Assembly, the Senate or any other public institution.

The Economic and Social Council shall be consulted for advice on any proposed plan or economic and social program as well as on any draft fiscal, economic and social.

It can also perform analysis of any economic and social development. It reports its findings to the President of the Republic, the Government and the National Assembly and the Senate.

It monitors the implementation of government decisions on economic and social organization.

Art.133: The Economic and Social Council may appoint one of its members, at the request of the President of the Republic, the Government or the National Assembly or the Senate, to expose their bodies to the opinion of the Council on projects or proposals that have been submitted.

Art.134: The Economic and Social Council elects its President and its officers.

S.135: The Economic and Social Council has a section in each economic region of the country.

Art.136: The composition, organization and functioning of the Economic and Social Council and its sections are defined by an organic law.

TITLE XI - TREATIES AND INTERNATIONAL AGREEMENTS
Art.137: The President of the Republic shall negotiate and ratify international treaties and agreements.

Art.138: Peace treaties, commercial treaties, treaties relating to international organizations, those who commit the finances of the State, to amend the legislative provisions, those relating to personal status and human rights, those with cession, exchange or addition of territory, may be ratified only by a law.

They do not take effect until it has been ratified and published.

No cession, exchange or addition of territory shall be valid without the consent of the peoples concerned.

Art.139: When the Constitutional Court, the President of the Republic, the Prime Minister or the President of the National Assembly, said an international commitment contains a clause contrary to the Constitution, the authorization ratify or approve may only occur after the revision of the Constitution.

Art.140: Treaties or agreements duly ratified or approved shall, upon their publication, than that of laws, subject, for each agreement or treaty, to its application by the other party.

**TITLE XII - LOCAL GOVERNMENT AND TRADITIONAL LEADERSHIP**

Art.141: The Togolese Republic is organized in local communities based on the principle of decentralization in respect of national unity.

These local authorities are: municipalities, prefectures and regions.

Any other local authority is established by law.

Local authorities are freely administered by councils elected by universal suffrage, as provided by law.

Art.142: The State shall ensure the harmonious development of all local authorities on the basis of national solidarity, regional potentials and inter-regional balance.

Art.143: The Togolese government recognizes traditional leaders, the guardian of traditions and customs.

The designation and the enthronement of the traditional chief obey the customs and practices of the community.

**TITLE XIII - THE REVIEW**
Art.144 : The initiative for the revision of the Constitution rests with the President of the Republic and one-fifth (1/5) at least one of the deputies in the National Assembly.

The draft or proposed revision shall be considered adopted if approved by a majority of four-fifths (4/5) members of the National Assembly.

Without this majority, the draft or proposed revision adopted by a majority of two thirds (2/3) of members of the National Assembly shall be submitted to referendum.

The President of the Republic may submit to referendum any constitutional bill.

No amendment procedure may be commenced or continued during an interim period or vacancy or when violated territorial integrity.

The republican and secular state can not be revised.

TITLE XIV - SPECIAL PROVISIONS

Art.145 : The President of the Republic, the Prime Minister, members of the Government, the President and officers of the National Assembly and the Senate and the heads of central government and public enterprises must be before the Supreme Court a declaration of their assets at the beginning and the end of their mandate or function.

A law determines the conditions for the implementation of this provision.

Art.146 : The source of legitimacy arising under this Constitution.

Art. 147 : Togolese Armed Forces are a national army, republican and apolitical. They are fully subject to the constitutional legally constituted political authority.

Article 148 : Any attempt to overthrow the constitutional order by armed forces personnel or public safety, for any individual or group of individuals, is considered an imprescriptible crime against the nation and is punishable under the laws of the Republic.

Article 149 : In addition to homeland defense and public works, the armed forces may be made only to the extent that this Constitution expressly authorized.

In armed conflict with another state, the armed forces are entitled to protect civilian targets and to ensure police missions, since their task of defending the territorial integrity requires. In this case, the armed forces cooperate with the police authorities.

In the event of armed rebellion, and if the Police and security can not, by themselves, maintain public order, the Government may, for the danger threatening the existence of the Republic and the democratic constitutional order, commit the armed forces to assist the police and security protection of civilian targets and the fight against the rebels.
In any event, the government must put an end to the deployment of armed forces as soon as the National Assembly is required.

*Art.150:* If coup or coup any, any member of the Government or the National Assembly has the right and duty to use all means to restore constitutional legitimacy, including the use of military cooperation agreements or existing defense.

In these circumstances, for any Togolese, disobey and organize to defeat the illegitimate authority is the most sacred of rights and the most essential duties.

Any reversal of the constitutional regime is considered an inalienable crime against the nation and punished according to the laws of the Republic.

**TITLE XV - THE NATIONAL COMMISSION FOR HUMAN RIGHTS AND THE OMBUDSMAN OF THE REPUBLIC**

**SUB-TITLE I - NATIONAL COMMISSION ON HUMAN RIGHTS**

*Art.151:* Not applicable.

*Art.152:* There shall be a National Human Rights Commission. It is independent. It is not subject to the Constitution and the law.

The composition, organization and functioning of the National Commission on Human Rights are defined by an organic law.

*Art.153:* No member of the government or parliament, any other person to interfere in the exercise of its functions and all other organs of the State itself grant assistance it may need to preserve its independence, dignity and efficiency.

**SUB-TITLE II - THE OMBUDSMAN OF THE REPUBLIC**

*Art. 154:* There shall be an Ombudsman designed to deal with non-jurisdictional disputes between citizens and the administration. The Ombudsman is an independent administrative authority appointed by decree of the Council of Ministers for a term of three (03) years renewable.

The composition, organization and functioning of the Ombudsman of the Republic shall be determined by an organic law.

**TITLE XV I - TRANSITIONAL PROVISIONS**
Article 155: The powers to the Senate for the appointment of members of the Constitutional Court shall be exercised by the National Assembly until the establishment of the Senate. The members so appointed shall hold office for seven (07) years.

Art.156: The current members of the Constitutional Court shall hold office until the installation of new members.

Article 157: Pending the establishment of the Senate, the National Assembly alone has the legislative power vested in Parliament.

Art.158: The legislation in force in Togo, to the establishment of new institutions, remain applicable, unless intervention of new texts, and therefore it is not contrary to this Constitution.

TITLE XVII - FINAL PROVISIONS

Art. 159: This Constitution shall be enforced as BASIC LAW of the Togolese Republic.